

Exhibit B

CAUSE NO. 2019-78693

KELSEY LOUX & STEVE L. LOUX

Plaintiffs,

VS.

**PH & H DEVELOPERS &
CONSTRUCTION, INC. AND
NATIONWIDE INSURANCE,**

Defendants.

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

113TH JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

**DEFENDANT' PH & H DEVELOPERS & CONSTRUCTION, INC.'S
ORIGINAL ANSWER AND VERIFIED DENIALS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant PH & H Developers & Construction, Inc. (hereinafter "Defendant"), and files this its Original Answer and Verified Denials and would show the Court as follows:

**I.
GENERAL DENIAL**

1. Defendant denies each and every, all and singular, the allegations in Plaintiffs' Original Petition and demands strict proof thereof in accordance with TEX. R. CIV. P. 92.

**II.
VERIFIED DENIALS**

2. Defendant denies Plaintiffs' allegation that all conditions precedent have been performed or have occurred. Specifically, Plaintiffs did not comply with the conditions required by the Residential Construction Liability Act ("RCLA").

3. This claim is covered by the Residential Construction Liability Act ("RCLA"). Plaintiffs are limited by the procedures and remedies provided by the RCLA.

III.
AFFIRMATIVE DEFENSES

4. Plaintiffs' damages, if any, were solely caused by the conduct of other parties over which this Defendant had no control or, alternatively, the conduct of the other parties was an intervening cause of the Plaintiffs' damages. Defendant requests that, in accordance with Civil Practice and Remedies Code §§ 33.003 and 33.012, the Court apply the principles of apportionment and offset so as to permit the Court or jury to apportion liability according to fault and grant Defendant a corresponding offset of any settlement funds against any damages awarded to Plaintiffs, and to seek contribution from any other party or Co-Defendant according to the fault apportioned to that Co-Defendant.

5. Plaintiffs' claims are barred, in whole or in part, by the doctrine of proportionate responsibility set forth in Chapter 33 of the Texas Civil Practice and Remedies Code.

6. Plaintiffs' claims are barred in whole or in part, by Plaintiffs' failure to mitigate damages, if any.

7. Plaintiffs' claims for damages are controlled and limited by Section 41.008 Texas Civil Practices and Remedies Code and Chapter 27 (Residential Construction Liability Act) of the Texas Property Code.

IV.
JURY DEMAND

8. Defendant requests a trial by jury pursuant to TEX. R. CIV. P. 216.

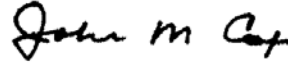
V.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays that upon final hearing, the Court enter a Judgment in accordance with the law, the pleadings, and the evidence, that Plaintiffs take nothing by this suit, and that Defendant recover its costs and such other and

further relief, both legal and equitable, to which it may be justly entitled.

Respectfully submitted,

JOHN M. COX & ASSOCIATES, P.C.



BY: _____

JOHN M. COX

State Bar No. 04949900

jmc@coxtriallaw.com

JACK A. WALTERS, III

State Bar No. 24028104

atty@coxtriallaw.com

325 N. St. Paul Street

Suite 2350

Dallas, Texas 75201

214.939.9000

214.939.9001 (Fax)

ATTORNEYS FOR DEFENDANT

**PH & H DEVELOPERS & CONSTRUCTION,
INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been forwarded to the all counsel of record in accordance with the TEXAS RULES OF CIVIL PROCEDURE this the 27th day of November, 2019.

John M Cox

JOHN M. COX

Unofficial Copy Office of Marilyn Burgess District Clerk

CAUSE NO. 2019-78693

KELSEY LOUX & STEVE L. LOUX

Plaintiffs,

VS.

PH & H DEVELOPERS &
CONSTRUCTION, INC. AND
NATIONWIDE INSURANCE,

Defendants.

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

113TH JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

VERIFICATION

STATE OF TEXAS

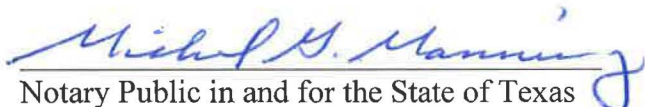
§
§
§

COUNTY OF DALLAS

Before me, the undersigned Notary Public, on this day personally appeared **John M. Cox**, an attorney for Defendant PH & H Developers & Construction, Inc., who, after being duly sworn, stated that he has read the above Defendant's Original Answer, and that every statement contained in Section II of Defendant's Original Answer is within his personal knowledge and is true and correct.


JOHN M. COX

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this 27th day of November, 2019, to certify which witness my hand and seal of office.


Notary Public in and for the State of Texas

My Commission Expires:

3/26/22

{seal}

